

10 JUL 2002



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In re Application of	:	
CHEN, Tao et al.	:	DECISION ON
US Application No.: 09/674,191	:	
PCT Application No.: PCT/US99/09076	:	PETITION
Int. Filing Date: 27 April 1999	:	
Priority Date: 28 April 1998	:	UNDER
Attorney's File Reference: 016303-007010US	:	
For: POLYANIONIC POLYMERS WHICH	:	37 CFR 1.47(a)
ENHANCE FUSOGENICITY	:	

This decision is in response to applicants' "SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)", filed 21 May 2002 in response to the Office action of 23 April 2002. The renewed petition requests acceptance of the application without the signature of co-inventor Jung Soo Kim (Kim).

BACKGROUND

In a decision from this Office on 23 April 2002, the renewed petition filed 08 March 2002 was dismissed. The decision indicated that neither the declaration filed 18 June 2001 nor either of the declarations filed 08 March 2002 provided the country of citizenship of nonsigning co-inventor Kim as required by statute.

On 21 May 2002, applicants filed the present "SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)", which responds to the decision of 23 April 2002 and which was accompanied by, inter alia, six combined declarations and powers of attorney including the signatures of all eight of the inventors except that of nonsigning inventor Kim. All six of the declarations filed on 21 May 2002 include the country of citizenship of nonsigning inventor Kim.

DISCUSSION

All six of the declarations filed on 21 May 2002 are acceptable under 37 CFR 1.497(a) and (b). Accordingly, all of the available joint inventors have properly made a

declaration and application on their own behalf and on the behalf of nonsigning inventor Kim as required by 37 CFR 1.47(a) and MPEP 409.03(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of this application, including according this application a 35 USC 371 (c) date of 21 May 2002.

Diana L. Oleksa
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PCT Special Programs Office
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Boris Milef
PCT Legal Examiner
PCT Legal Office

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In re Application of
CHEN, Tao et al.
US Application No.: 09/674,191
PCT Application No.: PCT/US99/09076
Int. Filing Date: 27 April 1999
Priority Date: 28 April 1998
For: POLYANIONIC POLYMERS WHICH ENHANCE FUSOGENICITY

Dear Mr. Kim

You are named as an inventor in the above-captioned United States national stage application filed under the provisions of 37 CFR 1.47(a) and 35 USC 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at the prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Jung Soo Kim) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/US99/09076 and was filed on 27 April 1999 in the names of Tao Chen, Yuehua He, Peter Cullis, Thomas Madden, Peter Scherrer, Jung Soo Kim, David Tirrell, and Phalgun Joshi for the invention entitled POLYANIONIC POLYMERS WHICH ENHANCE FUSOGENICITY. The national stage application number is 09/674,191 and has a 35 USC 371 date of 21 May 2002.